

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
The Commercial Mobile Alert System)	PS Docket No. 07-287
)	
)	

To: The Commission

COMMENTS OF ALLTEL COMMUNICATIONS, LLC

I. INTRODUCTION AND SUMMARY

Alltel Communications, LLC (“Alltel”) hereby submits these comments in response to the Federal Communications Commission’s December 14, 2007 Notice of Proposed Rulemaking (“NPRM”) in the above-captioned proceeding.¹ Alltel actively participated in the formulation of, and fully concurs with, the recommendations of the Commercial Mobile Service Alert Advisory Committee (“CMSAAC”) set forth in Appendix B of the *NPRM*. Therefore, Alltel requests that the Commission adopt the CMSAAC recommendations.

II. THE COMMISSION SHOULD ADOPT THE CMSAAC RECOMMENDATIONS.

The Commission should adopt the CMSAAC recommendations because Congress narrowly constricted the Commission’s authority, in the Warning, Alert, and Response Network (“WARN”) Act, in the interest of an expeditious deployment of the program and because participation is voluntary. Section 602(a) of the WARN Act states that “the Commission *shall* complete a proceeding to *adopt* relevant technical standards, protocols, procedures, and other technical requirements based on the *recommendations of [CMSAAC]* necessary to enable commercial mobile service alerting capability for commercial mobile service providers that

¹ *In the Matter of The Commercial Mobile Alert System*, Notice of Proposed Rulemaking, PS Docket No. 07-287, FCC 07-214 (rel. Dec. 14, 2007) (“*NPRM*”).

voluntarily elect to transmit emergency alerts.”² In section 602(a), Congress limited the Commission’s authority to adopting rules implementing the CMSAAC recommendations. By seeking comments on matters either outside the scope of the CMSAAC recommendations or otherwise attempting to revisit matters resolved by the CMSAAC, the Commission is not only exceeding its authority but undermining the very basis of the voluntary nature of the WARN Act process. For those reasons, the Commission should adopt the CMSAAC recommendations as required by the WARN Act and not contradict its recommendations.

Furthermore, the CMSAAC recommendations achieve the WARN Act’s purpose of informing the public of emergencies through wireless devices while also being technically feasible so that wireless service providers are more likely to voluntarily elect to participate in the program. The CMSAAC held hundreds of meetings over ten months to discuss in great detail an approach that would enable wireless service providers the ability to transmit emergency alerts. Such discussions generated over a thousand documents and produced a 109-page report, which provides the Commission with a recommendation for each issue outlined in the WARN Act. Because the CMSAAC consisted of government representatives, subject matter experts, and other interested parties, each recommendation enables the development and expeditious deployment of a Commercial Mobile Alert System (“CMAS”) that is technically feasible at this time. As a result, any modifications to the CMSAAC recommendations would make wireless service providers less likely to participate in the program. Therefore, the Commission should adopt the CMSAAC recommendations without modification as required by the WARN Act.

² Security and Accountability For Every Port Act of 2006 (SAFE Port Act), Pub. L. 109-347, Title VI-Commercial Mobile Service Alerts (WARN Act), § 602(a) (emphasis added).

III. THE FOLLOWING RECOMMENDATIONS ENABLE THE DEVELOPMENT AND DEPLOYMENT OF A CMAS THAT IS TECHNICALLY FEASIBLE AT THIS TIME.

The CMSAAC devoted a substantial amount of time and discussion in developing a uniform system that meets the WARN Act requirements of enabling an expeditious deployment of an effective CMAS. In doing so, the CMSAAC considered many technologies and rejected those technologies, which due to technical feasibility limitations, could not be expeditiously implemented. Because members of the CMSAAC are technical experts, the CMSAAC drew on its members' expertise in determining what technologies are truly feasible at this time. Based upon those reasons, the Commission should adopt the CMSAAC recommendations as they were submitted.

A. Available Transport Technologies

The Commission seeks comment in the *NPRM* on the availability of technologies now and in the future for the transmission of alerts over the CMAS.³ The CMSAAC recommended point-to-multipoint technologies such as cell broadcast as a viable transport solution for alerts transmitted over the CMAS.⁴ The CMSAAC concluded that point-to-point technologies such as short message service ("SMS") are not a viable solution for a national CMAS because point-to-point technologies (a) can experience significant delivery delays, (b) can result in network and radio interface congestion to the point of blocking voice calls, (c) lack security and can be easily spoofed, (d) lack geo-targeting capabilities because it is targeted to phone numbers instead of a specific alert area, (e) lack emergency alert specific alert tones and thereby emergency alerts cannot be distinguished from normal SMS message traffic, and (f) lack support of roamers.⁵ For

³ See *NPRM* ¶¶ 8-11.

⁴ See CMSAAC recommendations at section 5.2.

⁵ See *id.*

those reasons, Alltel supports the recommendation that SMS is not a feasible option in satisfying the requirements of the WARN Act.

B. Federal Government's Role

The Commission seeks comment in the *NPRM* on the Federal Government's role in managing the CMAS.⁶ The CMSAAC recommended that a Federal Government entity fulfill the roles of "Alert Aggregator" and the "Alert Gateway."⁷ Alltel supports this recommendation. If a Federal Government entity does not assume these roles, wireless service providers are less likely to participate in this program. In an emergency situation, it is imperative that wireless service providers be able to rely on a single source. In addition, government officials are more appropriately trained in authenticating and constructing these messages. Therefore, a Federal Government entity should fulfill these roles.

C. Geographically Targeted Commercial Mobile Alerts

The Commission seeks comment in the *NPRM* on what level of precision should be required for the geographical targeting ("geo-targeting") of CMAS alerts.⁸ The CMSAAC recommended that, in order to expedite initial deployment of CMAS, an alert that is specified by a geocode, circle or polygon will be transmitted to an area not larger than the wireless service provider's approximation of coverage for the county.⁹ A wireless service provider, however, may elect to target smaller areas.¹⁰

Alltel supports this recommendation but notes for the record that it plans to target areas smaller in size than counties for CMAS alerts. Even though Alltel intends to transmit dynamic geo-targeting at a level more granular than the county, Alltel believes this recommendation

⁶ See *NPRM* ¶¶ 12-13.

⁷ See CMSAAC recommendations at section 2.2.

⁸ See *NPRM* ¶¶ 21-22.

⁹ See CMSAAC recommendations at section 5.4.

¹⁰ See *id.*

should remain unchanged. Because the recommendation provides flexibility for wireless service providers of all sizes, wireless service providers will be more likely to voluntarily elect to participate in the CMAS.

D. Transmission of CMAS Alerts in Languages Other Than English

The Commission seeks comment in the *NPRM* on the technical feasibility of providing commercial mobile alerts in languages in addition to English.¹¹ The CMSAAC recommended that, while recognizing the strong desire for multi-language alerts, there are fundamental technical problems to reliably transmitting alerts in languages in addition to English.¹² Therefore, the CMSAAC concluded that there should be no language translation requirement at this time, but the issue should be reviewed as technology improvements are developed.¹³

Alltel supports the recommendation that transmitting multi-language alerts is not technically feasible at this time but can be reviewed as technology improves. This requirement acknowledges the need for technical neutrality and takes into consideration that technological differences exist today between GSM and CDMA systems. GSM supports multiple channels for broadcasts, and different channels can be dedicated to various languages. CDMA, however, does not have separate channels, but rather the broadcast message is injected in a small slot periodically on the paging channel. The message does have a language field to tell the handset what language the message will use, but only one message can be sent at a time. With the broadcast slot cycle set at its longest to minimize impact on battery life, only one message will be sent every 2:40 minutes. This means an English version will be sent, then 2:40 minutes later a Spanish version can be sent, but the English retransmission will have to wait another 2:40 minutes, and so on. Because it is not technically feasible to transmit multi-languages with

¹¹ See *NPRM* ¶ 24.

¹² See CMSAAC recommendations at section 5.7.

¹³ See *id.*

CDMA at this time, this recommendation should be adopted to enable expeditious deployment of the CMAS and to increase participation in the program.

E. WARN Act Section 602(f) – Testing

The Commission seeks comment in the *NPRM* on what type of testing regime the Commission should require.¹⁴ The CMSAAC recommended end-to-end testing of the CMAS as defined as testing from the Alert Initiator to the Commercial Mobile Service Provider (“CMSP”) Gateway.¹⁵ Alltel supports this testing regime because it satisfies the requirement of the WARN Act to test the various components and interfaces used for transmitting emergency alerts over the CMAS. Alltel further supports the CMSAAC that testing over the CMSP infrastructure to the mobile devices is unnecessary in ensuring that the CMAS is working.¹⁶ In addition, such testing is not feasible because it would overload a wireless service provider’s network and is not in the public’s interest because it would cause considerable confusion to a provider’s subscribers.

IV. CONCLUSION

For the foregoing reasons, Alltel requests that the Commission adopt without modification the recommendations of the CMSAAC.

Respectfully submitted,

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¹⁴ See *NPRM* ¶ 41.

¹⁵ See CMSAAC recommendations at section 9.5.

¹⁶ See *id.*

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